

*Board of Zoning Appeals
Thursday, June 15, 2006
Regular Meeting - 10:00 A.M.
Phone # (937) 328-2495*

*Springview Developmental Center
Administration Building
3103 E. Main Street
Springfield, Ohio 45505*

AGENDA

- | | | |
|----|---|------------------------|
| 1. | Minutes - April 20, 2006 | Discussion &
Action |
| 2. | BZA-2006-4 - Conditional Use
Larry Anderson
5500 Old Lower Valley Pike
Bethel Township | Discussion &
Action |
| 3. | Adjournment | Action |

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Board of Zoning Appeals

Regular Meeting
Thursday, April 20, 2006

Springview Development Center
Administration Building
3130 E. Main Street
Springfield, Ohio 45505

Chairman Perkins called the meeting to order at 10 a.m.

Present: Mr. Allen Perkins, Mr. Rich Foster, Mr. Wilfred Potter, Mr. Lonnie Barclay, and Mr. Marvin Berschet.

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interest persons.

BZA-4-6-06 ~ Minutes ~ January 19, 2006

Motion by Mr. Barclay, second by Mr. Potter to approve the minutes as printed.

VOTE: Motion carried unanimously.

Chairman Perkins explained to the board and audience, they will remove the case from the table and discuss the findings found by the County Prosecutor. The public hearing will not be opened for this case. Only the board members that attended the original meeting will be allowed to vote.

BZA-4-7-06 ~ Remove BZA-2006-1-Variance-William and Polly Agle from table.

Motion by Mr. Perkins, second by Mr. Barclay to remove the variance from the table.

***VOTE: Mr. Perkins
Mr. Barclay
Mr. Potter***

***Abstain: Mr. Foster
Mr. Berschet***

Motion passes

BZA-2006-01 ~ Variance ~William and Polly Agle ~ South Urbana Lisbon Road, just south of 455 South Urbana Lisbon Road on the west side ~ Harmony Township.

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 40 acres or more shall have a minimum

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frontage of 500'. Granting the request would permit a 60' wide strip of land and a one acre lot to be split from a 131.76 acre tract, leaving a net frontage of 200.41' for the residual of about 126 acres. On January 19, 2006, a public hearing was held at the regular meeting to hear this case, after the meeting, the case was tabled in order to obtain additional information. An opinion from the Prosecuting Attorney was obtain to address questions from the staff. The question was; can a landowner attach land which has sufficient frontage to an original landlocked tract and therefore, make the landlocked original tract eligible for lot splits as long as the building sites are located on the developer's original tract? The answer was; a parcel owner is not permitted to attach or tack on land from an adjacent property in order to meet the basic requirements set forth in Section 3.61 of the Subdivision Regulations. The proposed lot split would fail the requirement that product lots front upon an existing road.

Chairman Perkins explained Mr. Agle could sell the 60' wide strip of land and also he could have a two acre lot split but would have to go to Planning. They are only granting the variance for the frontage and once that is done and the driveway can only be used for access. The other lot would have to go through County Planning Commission.

Mr. Barclay wondered if they were only doing the layout for the frontage but the lot has to be approved by Planning?

Chairman Perkins replied it was correct and they still have to approve the frontage for the second lot before he can go to the Planning Commission because the lot does not comply as is. The ruling from the Prosecutor regarding the driveway to be used by Mr. Parker, if purchased it can only be used for access to the land in the rear. He can only use it for access to the 114.83 acres and does not entitle him to the three cluster splits he thought he was entitled to.

Chairman Perkins read the finding of facts from the County Prosecutor. 1) The lotsplit variance in question is for a 60' wide strip of ground off the north side of a 131.76 acre tract, owned by the applicant Mr. Agle and would be used for access and road frontage for the 114.83 acres owned by Mr. Parker. The 114.83 acres is landlocked by limited access on the state owned right-of-way on East National Road. 2) The Board of Zoning Appeals may make special exceptions in certain cases in a manner consistent with the spirit, intent, and specific requirements of the Clark County Zoning Regulations. 3) The authorization of a variance is necessary to enable the reasonable use of a property and that the condition is specific to this property and not general to other properties in the area. 4) The proposed variance does not permit the establishment of any use which is not permitted by right within the district.

With no further comments or questions from the board, Chairman Perkins made a motion.

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BZA-4-8-06 ~ Variance ~ William & Polly Agle ~ South Urbana Lisbon Road, just south of 455 South Urbana Lisbon Road on the west side ~ Harmony Township.

Motion by Mr. Perkins, second by Mr. Barclay to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 60' wide strip of land and a one acre lot to be split from a 131.76 acre tract, leaving a net frontage of 200.41' for the residual of about 126 acres.

VOTE: **Mr. Perkins**
 Mr. Barclay
 Mr. Potter

Abstain: **Mr. Foster**
 Mr. Berschet

Motion passes

Mr. Daniels explained to Mr. Agle he could proceed with the lotsplit proceedings after 30 days.

Mr. Parker asked if he could use the access to the other 48 acre tract where his house is located?

Mr. Daniels explained it would be ok to use the access to put a driveway from the other lot to the access drive.

Mr. Parker asked if all his abutting properties could use the same access drive?

Mr. Daniels explained he could. He couldn't use it to build any houses.

Chairman Perkins explained the public hearing is closed and there will be no other comments regarding this case.

BZA-2006-03 ~ Variance ~ Anthony and Sharon Gerardi ~ 250 Whaley Road ~ Bethel Township.

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A of the Clark County Zoning Resolution. Said section requires lots 10 to 39.99 acres in size shall have a minimum frontage of 350'. Granting the request would permit a 12.017 acre tract of land to be split with 150' of frontage from approximately 16 acres. The original tract of land was 16.076 acres with 555' of frontage, the owner Wilma L. Norris split two building lots which left 12.017 acres with 150' of frontage. The 150' of frontage was less than the required 350' for a lot with more than 10 acres. The residual of 12.017 acres was legally sold and attached to Mr. Gerardi's existing lot which eliminated

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the need for a variance at that time.

Mr. Daniels showed the board members photos. Mr. Gerardi has 150' of frontage that is on Lammes Lane. The address is on Whaley Road but the frontage is on Lammes Lane.

The board members had a hard time finding the property when they went out to look at it because of the address.

Chairman Perkins swore Mr. Gerardi in at this time.

Mr. Gerardi explained he purchased the property behind them and didn't have any idea that it was attached. He had maintained the property for years for the previous owners. They thought it was a separate piece of property. They found this out when they tried to put the property on Whaley Road in an survivorship deed. He would like to split the lot now, just in case they would have to sell it in the future. They have no intentions of the selling the lot now but would if need be.

Chairman Perkins wondered if he was planning on sell the lot?

Mr. Gerardi explained he had no intentions unless something would happen and they couldn't take care of it or needed the money.

Chairman Perkins closed the public hearing and asked for a motion.

**BZA-4-9-06 ~ Variance ~ Anthony and Sharon Gerardi ~ 250 Whaley Road ~
Bethel Township.**

Motion by Mr. Barclay, second by Mr. Potter to approve the Variance of Chapter 2, Section A of the Clark County Zoning Resolution to permit a 12.017 acre tract of land to be split with 150' of frontage from approximately 16 acres.

VOTE: Motion carried unanimously.

ELECTION OF OFFICERS

BZA-4-10-06 Election of Chairman

Motion by Mr. Foster, second by Mr. Barclay to elect as Allen Perkins as Chairman.

VOTE: Motion carried unanimously.

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BZA-4-11-06 - Election of Vice-Chairman

Motion by Mr. Berschet, second by Mr. Barclay to elect as Rich Foster as Vice-Chairman.

VOTE: Motion carried unanimously.

ADJOURNMENT

BZA- 4-12-06 - Adjournment

Motion by Mr. Potter, second by Mr. Barclay to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 10:25 a.m.

Allen Perkins, Chairman

**BZA-2006-4 - Conditional Use - Bethel Township
Larry L. Anderson - 5500 Old Lower Valley Pike**

Date of Meeting: June 15 2005

TO: Board of Zoning Appeals

FROM: Planning Staff

APPLICANT'S REQUEST:

The applicant is seeking a Conditional Use of Chapter 2, Section A, Chapter 7, Section 127 of the Clark County Zoning Resolution. Said section requires conformance with conditionally permitted uses for private and public outdoor recreation areas. Granting this request would permit the operation of a pay fishing lake on approximately two acres, with a bait house.

STAFF'S ANALYSIS:

No report at this time.



Clark County Zoning Regulations

937.328.2495
937.328.2621 fax
email: bldgregs@co.clark.oh.us

Garfield Building
25 W. Pleasant St
Springfield, OH 45506

Dana R. Booghter
Director

June 8, 2006

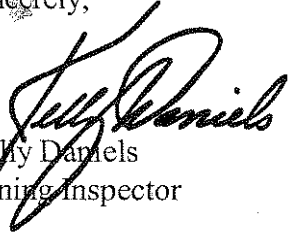
Dear Applicant:

On **June 15, 2006**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., at the **Administrative Building, formerly known as Springview Developmental Center, 3130 E. Main Street Springfield, Ohio**. The purpose of this hearing is to review your request for a Conditional Use.

We will provide signs to direct you where the hearing will take place. There is parking in the rear off of Ogden Road. Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,


Kelly Daniels
Zoning Inspector

la

5/10/76

I feel that by letting me open up this fishing lake, it will provide our youth as well as others a safe place to come to have good clean fun.

I also believe that it will help keep our youth off of drugs, because this will be a drug and alcohol free place to come.

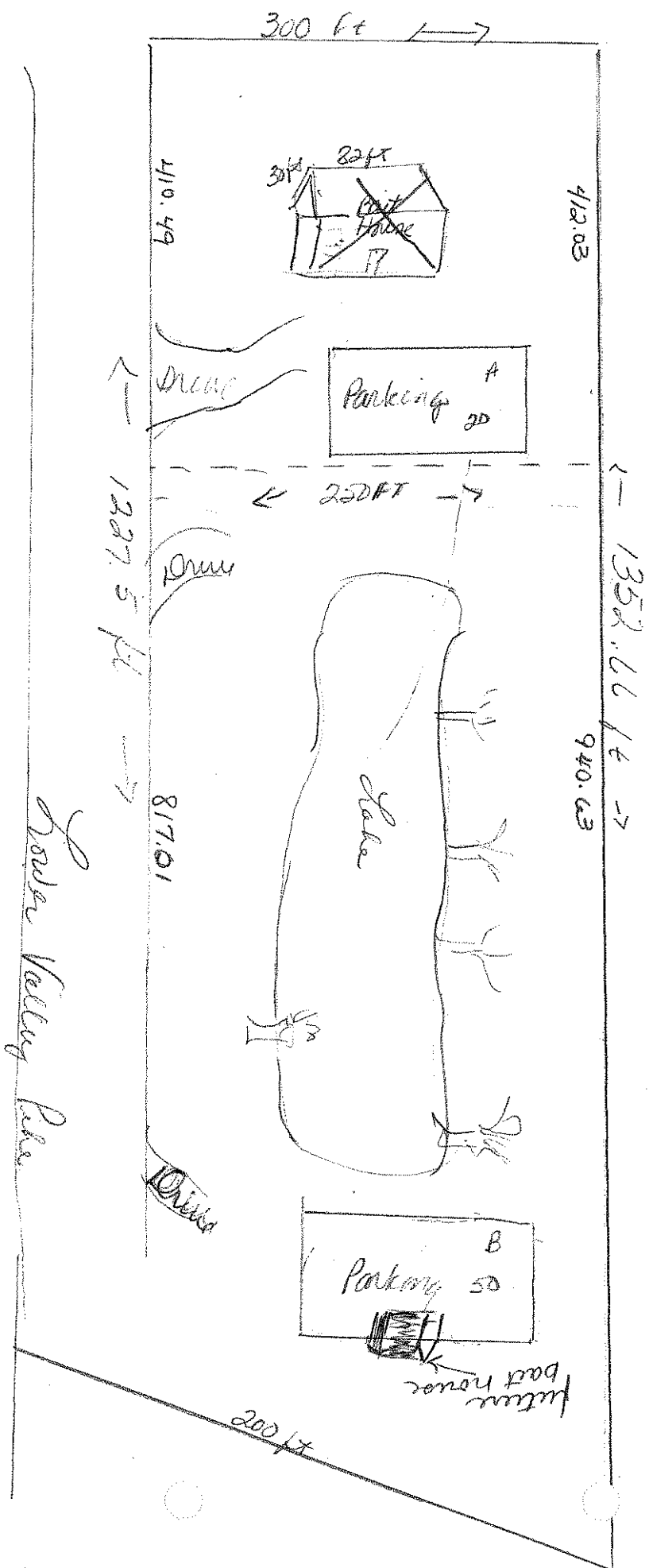
I feel this will bring back some of the historical and natural elements and fun for people to enjoy.

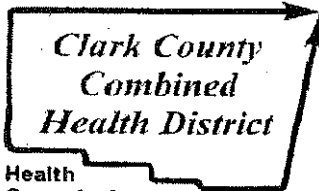
Thank you.

Thuy Anderson Sec.

Plot Plan

High Route 4





Health
Commissioner
Charles A. Patterson, RS, MBA

Clark County Combined Health District
529 East Home Road
Springfield, Ohio 45503

Main: (937) 390-5600 Fax: (937) 390-5625
Email: health@ccchd.com TDD: (937) 390-5605

Help Me Grow

Main: (937) 322-2099 Fax: (937) 322-4189




2430 Van Buren Avenue
Springfield, OH 45505

MEMORANDUM

TO : Kelly Daniels

FROM : Bob Ingoldsby, Environmental Tech II

DATE : 05/26/06 

RE : 5500 Old Lower Valley Pike
Port-A-Johns

CLARK COUNTY HEALTH DISTRICT HAS NO RULES OR REGULATIONS FOR
PLACEMENT OF PORT-A-JOHNs

THIS DOES NOT RELIEVE APPLICANT OF OBLIGATION TO COMPLY WITH
OTHER LOCAL AND STATE REGULATIONS.

Board of Health

Susan Weaver, RN, President

Richard Colvin

Cathy Crompton, DDS

Harry Elliott

Richard Foster

Sheila Rice

Veatrice Smith

Dan Young





2006/05/16

